

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23116 of 2024

Arising Out of PS. Case No.-637 Year-2022 Thana- RAXAUL District- East Champaran

1. Dukhi Mahto Son of Late Deoraj Mahto Resident of Village- Kanana Dumariya, P.S.- Raxaul, Dist.- East Champaran
2. Anil Mahto @ Anup Mahto Son of Dukhi Mahto Resident of Village- Kanana Dumariya, P.S.- Raxaul, Dist.- East Champaran
3. Sunil Mahto Son of Dukhi Mahto Resident of Village- Kanana Dumariya, P.S.- Raxaul, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar , Advocate
For the Opposite Party/s : Mr. Bharat Lal , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-07-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 323 , 324, 420, 449, 376, 395 , 509, 120(B) and 34 of the Indian Penal Code .

3. As per the prosecution case , allegation against this petitioner is that he along with other co-accused persons entered the house of the victim and committed rape with her and also



assaulted her.

4. It is submitted on behalf of the petitioners that both the parties are neighbours and due to dispute over pathway , this false and concocted case has been lodged. It is further submitted that during course of investigation the informant in her re-statement has narrated entirely differently story and has not alleged any commission of rape with her. It is lastly submitted that informant is in the habit of lodging such false and concocted case . Earlier she has also lodged a case in raxaul Ps Case No. 101 of 2017 against the petitioners. The victim also refused to give medical examination as well as denied to record statement under Section 164 Cr. P C , which itself casts serious doubt over the genuineness of the prosecution case .

5. Learned counsel for the State oppose the bail petition.

6 Considering the restatement of the victim and other circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioners, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate Raxaul at Motihari East Champaran in connection with Raxaul



P.S. Case No. 637 of 2022 , subject to the conditions laid down
under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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